

Amendment
Application No.: 08/904,056
Filing Date: 31 July 1997

Remarks

Claim 33 has been rejected under 35 U.S.C. 103 as being "unpatentable over" Schultheiss in view of the newly cited Wang reference and the previously cited Hall reference. Claim 45 has been rejected under 35 U.S.C. 103 based on the same three references "and further in view of Schindler et al" while claims 23, 32, 34, 39 and 41 have been rejected under 35 U.S.C. 103 as being "unpatentable over" Schultheiss in view of Wang and Applicant's admitted prior art. Finally, Claims 26, 37 and 42 have been rejected under 35 U.S.C. 103(a) as being "unpatentable over" Schultheiss, Wang, Applicant's admitted prior art "and further in view of Hall" and claims 27-31, 38, 40, 43 and 46 have been rejected under 35 U.S.C. 103(a) as being "unpatentable over" Schultheiss in view of Wang and Applicant's admitted prior art "and further in view of Schindler et al." These rejections are respectfully traversed although the independent claims have been amended to more clearly define over the new combination of references.

Before considering the rejections in detail, it is noted that the Wang patent was filed only two months prior to the instant application so that Applicant reserves the right to "swear behind" the Wang reference, if necessary. However, it is believed that the claims presented patentably define over the combination of references cited and hence it is not necessary to swear behind the Wang reference.

As pointed out in the previous response, the independent claims recite, in one form or the other, that the at least one multimedia control device, disclosed within the housing to control only the multimedia device, directly controls at least one function of the multimedia device in a separate step without the use of a menu. It has also been pointed out that the control device provides immediate accessibility to the multimedia device to thereby directly control the device, and thus contrasts with the use of an indirect control

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such as provided in the Schultheiss patent wherein a control menu is first accessed prior to controlling the function of the multimedia device. Multiple steps are required in Schultheiss in accessing the control menu and controlling the function, and thus it is respectfully submitted that this approach is indirect and non-immediate rather than being direct and immediate.

Of course, the Examiner now relies on the Wang patent as making up the deficiencies of the Schultheiss patent in this regard. Particular reliance has been made on Figure 6 and the description at column 10, lines 46-61. As pointed out by the Examiner, the passage in question provides that the mouse 20 of Wang "makes it possible for a user to interact with a class of rotatable graphic objects for use as control widgets in addition to the conventional control widgets." In the example given in this passage, a user can "control the volume of a speaker connected to the host computer by rotating knob image 96" and the "rotation of knob image 96 can be directly controlled by rotation of mouse 20 on surface 30." As pointed out by the Examiner, "[a]s the mouse is rotated about an axis 42 from an initial position 98...to a final position..., the knob image 96 is rotated counter-clockwise from an initial position 98... to a final position 100."

It is respectfully submitted that the input device of the Wang patent suffers the same disadvantages suffered by the Schultheiss input device. Considering the specific example to which the Examiner has referred, there is no direct control of volume but rather the provision of an approach which requires a graphic display of a "control widget" in the form of a knob image and further requires rotation of the mouse 20 to cause rotation of the knob image widget on the screen. This approach is generally similar to that of the Schultheiss patent wherein a menu is employed in that rather than directly controlling volume (in the example given), the user must bring up the volume knob image on the screen and manipulate the mouse to rotate the image to the desired position. In order to more clearly define over the Wang patent, all of the independent claims have been amended to recite that the control of the at least one function of the multimedia

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device of the computer is carried out in a single step without the use of a menu "or other graphic display." Accordingly, withdrawal of the rejection of the claims based on the combination of the Schultheiss and Wang patents (together with all and/or Applicant's admitted prior art or other references).

It is noted that many of the dependent claims further define over the cited references. For example, claim 28 recites that the multimedia control device comprises a volume control slider or a wheel for providing direct volume control while claim 29 recites that the multimedia control device comprises multiple actuators for directly controlling functions of a CD-ROM, and claim 30 recites that the multiple media control device comprises multiple actuators for directly controlling functions of a tuner. Similarly, claim 31 provides that the multimedia control device comprises multiple actuators for directly controlling the functions of the speaker.

It is also noted that these claims and other corresponding claims have been rejected under 35 U.S.C. 103 as being "unpatentable over" Schultheiss in view of Wang and Applicant's admitted prior art "and further in view of Schindler et al." It is respectfully submitted that these rejections are not well taken.

As set forth in the previous response, it is respectfully submitted that the Schindler et al patent is not an effective reference against this application. Applicant hereby states (as stated previously) that the present application (Serial No. 08/904,056) and U.S. Patent No. 5,900,867) the Schindler et al reference were, at the time the present invention was made, both commonly owned by Gateway, Inc. (formerly Gateway 200, Inc.) and further notes that a previous submission was made relative to further patents assigned to Gateway, Inc. Thus, it is respectfully submitted that the rejection based on the Schindler et al patent should be withdrawn. In this regard, while it is appreciated that the Examiner has cited a new reference in rejecting the claims, this does not change the issue with respect to the Schindler et al patent. In this regard, the Examiner has not addressed this

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issue and continues to reject claims based on the Schindler et al patent even though this patent is not an effective reference.

Further, it is respectfully submitted that while the Schindler et al patent may, indeed, teach a "entertainment system using a personal computer as the heart of the system wherein the personal computer contains suitable receiving circuitry, which provides indication of keys being pressed, being a serial connection or other form of connection" as contended by the Examiner, this does not render the claim features of the invention obvious. For example, it is freely admitted that the thumbwheel and slider volume controls are well known in, for example, radios, but this does not mean that the incorporation of such a volume control in a mouse for controlling volume in a multimedia device coupled to a computer is in any way obvious.

The arguments set forth above with respect to, e.g., claim 28 apply equally to claims 44, 45 and 46. Further, claims such as claim 43 (which is, in part, based on claim 40) further define over the references. In the latter regard, claim 43 recites that the at least one multimedia device comprises a plurality of multimedia devices and that "said at least one multimedia control device" comprises a plurality of multimedia control devices located on different parts of the housing of the mouse device. Claim 43 further recites that at least two of the control devices control different multimedia devices of the plurality of multimedia devices, that the plurality of multimedia devices comprise at least two of an amplifier operatively connected to at least one speaker, a radio tuner, a television tuner, and an optical displayer capable of playing compact discs (as recited in claim 40), and that one of the multimedia control devices comprises a volume control wheel or slider device for the amplifier. Again, these features go far beyond anything disclosed in the Schultheiss patent which is concerned with methods and systems for providing television commands to a television using a personal computer.

Allowance of the application in its present form is respectfully solicited.

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Respectfully submitted,

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